

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

3/13/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00275SOM  
CASE NAME: USA vs. Dennis Silva  
ATTYS FOR PLA: Marshall Silverberg  
Jeffrey Kearns (ATF)  
ATTYS FOR DEFT: Pamela Byrne  
Rosanne Donohoe (USPO)

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JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	3/13/2006	TIME:	3:10 - 4:10

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COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Indictment -

Defendant Dennis Silva present.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

Court allows the government to replace Exhibit 1 that was erroneously attached to its Memorandum in Opposition to Defendant's Response to the PSR.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: 13 Months as to each of Counts 1 and 2, with both terms to run concurrently.

Supervised Release: 3 Years. as to each of Counts 1 and 2, with both terms to run concurrently.

Fine: \$1,200.00.

Special Assessment: \$200 (\$100.00 as to each count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the fine of \$1,200.00 is due immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant participate in a mental health program at the discretion and direction of the Probation Office.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATION: FDC Honolulu.

Mittimus stayed until 4/10/06.

Defendant to self surrender @ 10:00 a.m. 4/10/06 at the USM.

Submitted by: Toni Fujinaga, Courtroom Manager.